HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.10078 of 1996

Between:

Battu Narayana Reddy …Petitioner.

AND

Joint Collector, Khammam,
Khammam District & others. …Respondents.

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:: O R D E R ::

Counsel for the Petitioner : Sri V.R. Avula

Counsel for Respondents 1 & 2 : Government Pleader for Revenue

Counsel for Respondent No.3 : None

28th JUNE 2006

This is a petition for quashing order dated 1-3-1996 passed by Joint Collector, Khammam whereby he annulled order dated 19-1-1994 passed by Mandal Revenue Officer, Enkoor granting patta in favour of the petitioner in Form No.XIII B and XIII C of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.

The proceeding sheets of the case show that on 14-6-2006, the Court had parties passed the following order:

> "Heard learned counsel for the parties and perused the record.
>
> The petitioner has questioned the legality of order dated 1-3-1996 passed by Joint Collector, Khammam in

exercise of the powers vested in him under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 whereby he reversed the order of the Mandal Revenue Officer, Enkoor who validated sale deed dated 20-5-1964 allegedly executed by A.P. Veera Reddy in favour of the petitioner.

In addition to the reasons assigned by the Joint Collector, I find a patent discrepancy in the order of the Mandal Revenue Officer, which is said to have been passed on 19-1-1994 under the Andhra Pradesh Record of Rights Act, 1971.

In paragraph 3 of his order, the Mandal Revenue Officer has made a mention of the stamp duty and registration fee of Rs.284/- allegedly submitted by the petitioner vide challan Nos.1646 and 1647 dated 16-4-1994.

Learned counsel for the petitioner could not explain as to how a reference could be made of challans dated 16-4-1994 in an order passed o n 19-1-1994. He made a request for adjournment to enable him to seek instructions.

Adjourned to 21-6-2004.

On the next date of hearing, Joint Collector, Khammam should appear in person along with the records relating to order dated 19-1-1994 passed by the Mandal Revenue Officer. The officer concerned should also submit written explanation before the Court as to why counter affidavit was not filed on behalf of the official respondents despite the fact that the writ petition has remained pending before the Court for last more than 10 years. If the explanation of the officer is not found to be satisfactory, the Court may order initiation of disciplinary enquiry against him for major penalty."

In compliance of the direction given by the Court, Joint Collector, Khammam filed counter affidavit dated 20th June, 2006.

I have heard learned counsel for the parties and perused the

record.

On being pointed out by the Court that the tenor of the affidavit filed by Joint Collector, Khammam seems to support the case set up by the petitioner, learned Government Pleader for Revenue fairly stated that notice issued by the then Joint Collector, Khammam under Rule 23 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 did not contain the basic particulars and factors necessary for initiation of action for cancellation of the order passed by the Mandal Revenue Officer.

In view of the statement made by the learned Government Pleader, I do not consider it necessary to deal with the points raised by the petitioner in detail and deem it proper to quash the order under challenge with liberty to the Joint Collector to pass fresh order.

In the result, the writ petition is allowed. Order dated 1-3-1996 passed by Joint Collector, Khammam is quashed. The officer concerned is directed to issue fresh notice to the petitioner under Rule 23 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 and pass appropriate order within a period of three months from today. The Joint Collector should hear the petitioner, consider the evidence, if any, produced by him in support of order passed by the Mandal Revenue Officer and pass order within the time specified by the Court.

A copy of the order to be passed hereinafter by the Joint Collector should be communicated to the Registry of this Court.

G.S. SINGHVI, C.J.

28th June, 2006.

ARS/svs